

Appl. No. 09/923,032
Amdt. Dated: June 5, 2006
Reply to Office Action of May 8, 2006

REMARKS/ARGUMENTS

Claims 1-15 and 29-36 are presented for the Examiner's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

In the response to the Amendment filed February 27, 2006, the Examiner issued a letter dated May 8, 2006, stating that the previous amendment was not responsive to the previous Office Action on the basis that the Applicants did not present arguments pointing out the distinction believed to render the newly added claims patentable over the applied references. Applicants respectfully disagree with the Examiner's finding, since Applicants specifically mention the difference between claims 34 – 36 and the references relied upon by the Examiner on page 10 of the of the February 27, 2006 Amendment.

As is pointed out in the February 27, 2006 Amendment, new claim 34 is claim 15 rewritten in independent form. Applicants point out that claim 15 was rejected 35 U.S.C. § 103 as being unpatentable over Parr EP 0 471,385 in view of Moder et al., U.S. Patent 5,827,251. While Applicants did not address independent claim 34 with respect to the rejection based solely on Parr, Applicants did clearly address claim 34 with response to Parr and Moder et al., the only rejection applied to claim 15. Hence, Applicants did not see the need to address claim 34 with respect to Parr alone. In any event, Applicants will address claims 34 – 36 with respect to both the rejection based solely on Parr and the rejection based on Parr and Moder et al.

Independent claims 1, 8 and 29 have been amended to include the limitations of claims 6, 12 and 33, as previously presented. In addition, some minor grammatical corrections have also been made to the independent claims so that the claims are clearer and easier to understand. No new matter has been added to claims 1, 8 and 29.

Applicants have also amended claims 6, 12 and 33 to recite the presence of a release strip adhesive. As can be seen in various locations in the present specification, the release strip covers an adhesive which is used to secure the absorbent article to the undergarment of a user. See, for example, page 16 lines 11-23, page 10, lines 18-24, and Figure 2. Therefore, the amendments to claims 6, 12 and 33 do not introduce any new matter.

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Newly added claim 34 is claim 15 rewritten in independent form. Newly added claims 35 and 36 are essentially the same as claims 13 and 14, but depend from claim 34. Therefore, newly added claims 34-36 are supported by the present specification.

Claims 1-6, 8-14 and 29-33 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Parr, EP 0 471 385A1. This rejection is respectfully **traversed**.

As is stated above, Applicants have amended the independent claims (claims 1, 8 and 29) to require the presence of a release strip. Release strips are not taught by Parr and Parr actually teaches away from using a release strip. Again, Applicants specifically point out that Parr teaches away from using a release strip and the invention of Parr is a way to fold the absorbent article so that a release strip is not necessary (see page 2, lines 13-22, lines 40-49 and other locations such as page 6, lines 44-45).

In the statement of the rejection, the Examiner states that Parr teaches a release strip relying on Parr at page 2, line 58- page 3, line 6. However, a review of Parr at page 2, line 58 – page 3, line 6 reveals that Parr teaches that the garment facing side of the absorbent article should have attachment zones and release zones, such that the absorbent article of Parr can be folded upon itself and easily opened by a user. That is, when folded, the adhesive on one portion of the garment facing side of the absorbent article does not come into contact with another adhesive containing portion. There is no teaching within the Examiner's cited portion of Parr which teaches that a release strip should or can be used. As is stated above, Parr is very clear that a release strip is not used and is not needed.

Since Parr teaches away from using a release strip, Parr alone can not properly establish a prima facie case of obviousness for the rejected claims as amended, or as previously presented. Adding a release strip would change the operation of Parr since the garment-facing layer would not be able to adhere to itself with a release strip present. See In re Ratti 123 USPQ 349 (CCPA 1959) and MPEP 2143.02

Regarding newly added claims 34 – 36, independent claim 34 requires the presence of a vaginal insertion device in contact with the liquid permeable liner. Parr does not teach or suggest placing a vaginal insertion device in contact with the liquid permeable liner. In fact, the Examiner admits such in the statement of the rejection on page 8 of the November 25, 2005 Office Action. As a result, not all of independent claim 34 or its dependent claims 35 – 36 are taught or suggested by Parr. Hence, claims 34 – 36 are patentable over Parr.

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Claims 7 and 15 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Parr, EP 0 471 385A1, in view of Moder et al., U.S. Patent 5,827,251. This rejection is respectfully traversed.

In the statement of this rejection, the Examiner states that "Parr discloses the invention substantially as claimed." The Examiner goes on to state that "the difference between Parr and claims 7 and 15 is the provision the device comprises a vaginal insertion device placed with the liquid absorbent device." To remedy this deficiency, the Examiner relies on Moder et al. to teach placing a vaginal insert device with a liquid absorbent device.

Applicants reiterate that Parr does not teach using a release strip as stated above. The Examiner is correct that Parr does not teach placing a vaginal insertion device with the liquid absorbent article.

With respect to Moder et al., Moder et al. do teach placing a vaginal insertion device with an absorbent article; however, Moder et al. do not teach folding the liquid absorption device with the vaginal insertion device. Claims 7, 15 and 34 – 36 of the present application (claim 7 by way of its dependency or independent claim 1 and claim 15 by way of its dependency on independent claim 8) require the folding of the absorbent article and the vaginal insertion device. Moder et al. teach rolling the absorbent article with the vaginal insertion device and not folding. In contrast, Parr teaches folding and folding in a specific pattern, such that the garment facing surface contacts itself, eliminating the need for a release strip. In contrast, the rolling of Moder et al. do not allow the garment-facing surface to be in contact with itself, as is clearly required by Parr, to eliminate the need for a release strip. Therefore, one skilled in the art would not have been motivated to add a vaginal insertion device to the absorbent article of Parr, since Moder et al. do not teach folding the article, but teach the rolling of the vaginal insertion device with the absorbent article.

Therefore, one skilled in the art would not have been motivated by the teachings of Moder et al. to fold a liquid absorption device with a vaginal insertion device. Further, the folding method of Parr, as explained above, would not yield the presently claimed invention.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

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The undersigned may be reached at: 920-721-3892.

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